

### **Remarks**

The Examiner has rejected claims 1-9 under 35 U.S.C. §112 as failing to complete with the enablement requirement as well as being indefinite for failing to particularly point out and distinctly claim the invention and omitting essential elements. The Examiner also has indicated that the omitted elements are: the elements/structures or means to connect or disconnect the sails to the transmission element as recited in claim 1. Claims 1, 5-8 are being rejected by the under 35 U.S.C. §102(b) as being anticipated by U.S. 3,857,242. However, the Examiner has indicated that claims 2-4 would be allowable if rewritten to overcome §112 objections.

The undersigned has amended the claims and features to more clearly define the invention. The subject matter, or the features, that the applicant regards as the invention is that sails, which are stored in a magazine, are connected to a transmission element and moved by a tidal stream to a second magazine where the sails are disconnected from the transmission elements and are stored until the tide turns and the procedure is repeated in the opposite direction. The sails used in the disclosed embodiment are described in the specification on page 6, lines 8-18, as being a "substantially impervious surface" that "assumes a slight v-shape" as shown in Figure 6. The sail could be rigid as noted by the Examiner, but, need not be. Applicant wishes to note that both flexible and rigid sails are well known in the art.

The claims also include the features that the Examiner finds to be omitted in the original set of claims. However, it should be realized that the embodiment of the specification is the best mode where the sails are dispatched at equal distances along the transmission element. This is not a necessary features that must be present for the invention to work. A skilled person will be aware of several ways of connecting the sails to the transmission elements.

Claims 1, 5-8 are rejected under 35 U.S.C. §102(b) as being anticipated by US 3,857,242 (Gilmore). Gilmore discloses a power plant utilizing buoyancy for the lifting of tanks form a lower level and to a high level. Gilmore does not teach any other way of moving the tanks

in the water. No magazine in the sense that tanks are accumulated at a location is mentioned. On the contrary, instead of storing the tanks at the end of travel in order to be returned along the same path, the tanks are returned continuously at a different path. A skilled person will not find any teaching in U.S. 3,857,242 that will direct him to try the features of the present invention, where no buoyancy is utilized and where the sails are not changing height during the travel between the magazines. Thus, the undersigned respectfully disagrees with the Examiner that the teaching of Gilmore anticipates the present application.

Reconsideration and reexamination of the application is respectfully requested. Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is requested to telephone the undersigned at his convenience.

Respectfully submitted,

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